

FORM 1-I: Cover Letter Transmitting Inspection Report (including "apparent" violations) and Confirming Predecisional Enforcement Conference ("Conference Letter")

EA-YY-XXX

NMED No. (If applicable)

(Name of Licensee)

(Address)

SUBJECT: [include FACILITY NAME for reactor cases] - NRC [include type of inspection, e.g., "INTEGRATED, SPECIAL"] INSPECTION REPORT NO(S). XX-XXX/YY-NN [if applicable, add "AND INVESTIGATION REPORT NO(S). X-XXXX-XXX"]

Dear _____:

This refers to the inspection conducted on (date(s)) at the (plant name) facility. [Use (City, State) for material licensees.] [May include purpose statement, e.g., "The purpose of the inspection was to follow up on the loss of main feedwater event that occurred on May 7."] The enclosed report presents the results of this inspection. [Any subsequent meetings and/or telephone discussions should be documented.]

[Routine inspections may use the following paragraph.]

This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, (number) apparent violation(s) was (were) identified and is (are) being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. [Include either: "(enclosed)" or "The current Enforcement Policy is included on the NRC's Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**."] [The narrative that follows should briefly discuss the nature of the apparent violation(s).] Since the NRC has not made a final determination in this matter, no Notice of Violation is being issued for these inspection findings at this time. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

An open (A closed) predecisional enforcement conference to discuss this (these) apparent violation(s) has been scheduled for (date). The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to assist the NRC in making an enforcement decision. This may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. The conference will provide an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration in making an enforcement decision. [Add the following discussion for material and fuel cycle licensees: "In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent

violations. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," may be helpful."]

[Insert the following paragraph for cases involving the loss, abandonment, or improper transfer or disposal of a sealed source or device.]

You should be aware that Section VII.A.1.g. of the NRC Enforcement Policy states that the NRC should normally exercise discretion to propose imposition of a civil penalty of at least the base amount for violations involving the loss, abandonment, or improper transfer or disposal of a sealed source or device. The base civil penalty amounts are based on approximately three times the expected average cost of authorized disposal and the NRC may consider adjusting the civil penalty amount to a more appropriate base amount if a licensee can demonstrate that three times the actual cost of disposal would be significantly less than the base amount. Therefore, you may provide the NRC information regarding the actual expected costs of authorized disposal for its consideration in making a final enforcement decision. However, the NRC will not normally decrease the civil penalty to an amount below the lowest base civil penalty for such cases, \$3000.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the(se) apparent violation(s) is required at this time.

¹In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Regional Administrator
(or designee)

Docket No. _____
License No. _____

Enclosure(s): Inspection Report
[for materials and fuel cycle licensees add, "Excerpt from NRC Information Notice 96-28."]

¹ For those packages containing Safeguards Information, remove this paragraph and replace with:

The material enclosed herewith contains Safeguards Information as defined by 10 CFR Part 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.